

UNITED STATES DISTRICT COURT
for the
District of Arizona

In the Matter of the Search of

6040 East Inglewood Street
Mesa, Arizona 85205
Subject Premises 2

Case No.

21-8254MB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona:

As further described in Attachment A-2.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

As set forth in Attachment B.

YOU ARE COMMANDED to execute this warrant on or before 11-5-21 (not to exceed 14 days)
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

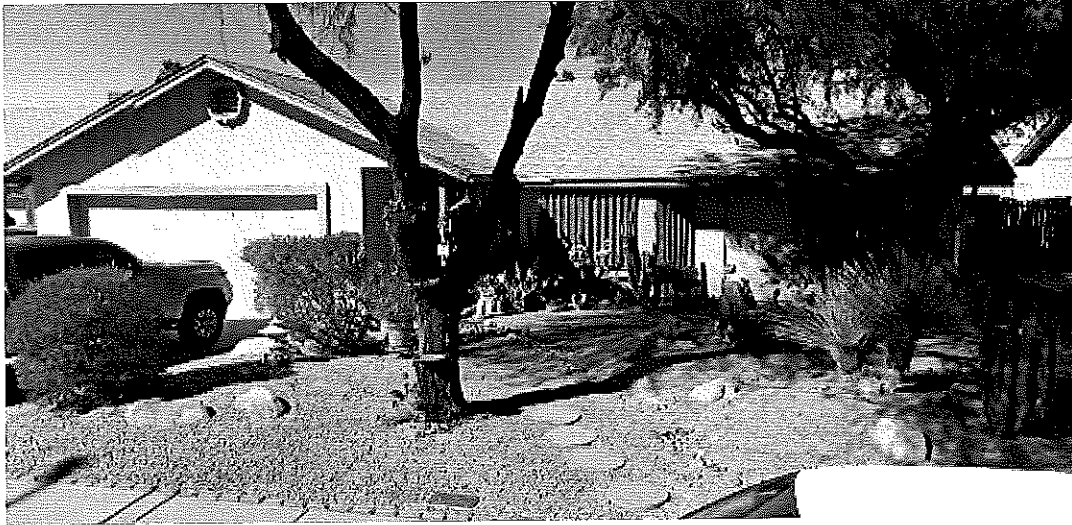
☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized ☐ for 30 days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 10-22-21 @ 1:56 p.m. John Z. Boyle
Judge's signature

City and state: Phoenix, Arizona Honorable John Z. Boyle, U.S. Magistrate Judge
Printed name and title

Attachment A-2

The property to be searched is 6040 East Inglewood Street, Mesa, Arizona 85205, further described as a one-story single-family home with light colored stucco and the roof has tan colored shingles.



ATTACHMENT B

Property to be seized

1. Any illegal controlled substances;
2. Paraphernalia related to the importation, transportation, use, or distribution of controlled substances or proceeds from the sale of controlled substances, including materials commonly used for the clandestine shipment thereof, including but not limited to, scales, bottles, mixing bowls, spoons, grinders, cutting agents, cutting boards, baggies, knives/razors, plastic wrap/cellophane, tape, seals, boxes, packaging materials, scent masking agents, shipping labels, and storage containers;
3. Firearms, ammunition, magazines, cases, boxes, holsters, slings, gun pieces, gun cleaning items or kits, ammunition belts, original box packaging, targets, expended pieces of lead, and records, receipts, or other paperwork showing the purchase, storage, disposition, or dominion and control over firearms and ammunition;
4. Safe deposit box keys, storage locker keys, safes, and related secure storage devices, and documents relating to the rental or ownership of such units; and
5. Indicia of occupancy, residency, rental, ownership, or use of the Subject Premises and any vehicles found thereon during the execution of the warrant, including, utility and telephone bills, canceled envelopes, rental, purchase or lease agreements, identification documents, keys, records of real estate transactions, vehicle titles and registration, and vehicle maintenance records.

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of

6040 East Inglewood Street
Mesa, Arizona 85205
Subject Premises 2

Case No. 21-8254 MB

APPLICATION FOR A SEARCH WARRANT

I, FBI Special Agent Kevin McCarthy, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

As further described in Attachment A-2

located in the District of Arizona, there is now concealed:

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. § 922(g)(1)	Felon in Possession of Firearms/Ammunition

The application is based on these facts:

The Affidavit of FBI Special Agent Kevin McCarthy is set forth and incorporated herein by reference.

☒ Continued on the attached sheet.

☐ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Keith Vercauteren

KEITH VERCAUTEREN Digitally signed by KEITH VERCAUTEREN
Date: 2021.10.22 12:52:34 -07'00'

KM
Applicant's Signature

Kevin McCarthy, FBI
Printed name and title

Sworn to before me telephonically and signed.

Date: 10-22-21 @ 1:56 p.m.

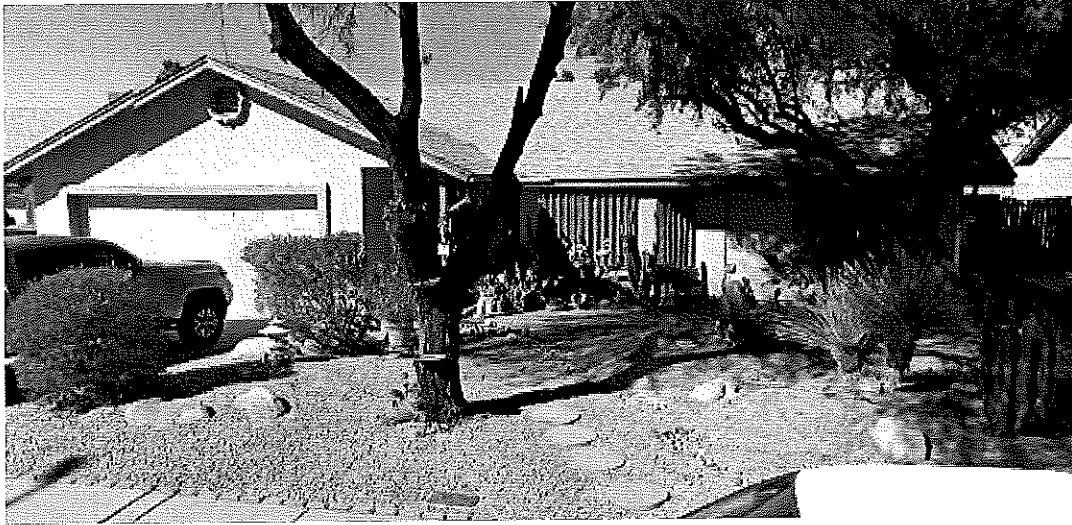
J. Boyle
Judge's signature

City and state: Phoenix, Arizona

Honorable John Z. Boyle, U.S. Magistrate Judge
Printed name and title

Attachment A-2

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3. Firearms, ammunition, magazines, cases, boxes, holsters, slings, gun pieces, gun cleaning items or kits, ammunition belts, original box packaging, targets, expended pieces of lead, and records, receipts, or other paperwork showing the purchase, storage, disposition, or dominion and control over firearms and ammunition;
4. Safe deposit box keys, storage locker keys, safes, and related secure storage devices, and documents relating to the rental or ownership of such units; and
5. Indicia of occupancy, residency, rental, ownership, or use of the Subject Premises and any vehicles found thereon during the execution of the warrant, including, utility and telephone bills, canceled envelopes, rental, purchase or lease agreements, identification documents, keys, records of real estate transactions, vehicle titles and registration, and vehicle maintenance records.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Your Affiant, Kevin McCarthy, being first duly sworn, hereby deposes and states as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. Your Affiant makes this Affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at 5932 East Brown Road Unit 841, Mesa, Arizona 85206 (hereinafter “**Subject Premises 1**”), and 6040 East Inglewood Street, Mesa, Arizona 85205 (hereinafter “**Subject Premises 2**”), as further described in Attachments A-1 and A-2, in order to search for and seize the items outlined in Attachment B, which represent evidence, fruits, and/or instrumentalities of the criminal violations further described below.

2. I am a Special Agent of the Federal Bureau of Investigation (“FBI”) and have been since September of 2019. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7) - that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 922(g)(1).

3. Prior to employment by the FBI, I was employed as a Chicago Police Officer beginning in February of 2016. While employed as a Chicago Police Officer, I participated in numerous narcotics and weapons related operations involving investigation, surveillance, and arrests.

4. The statements contained in this Affidavit are based on information derived from your Affiant’s personal knowledge, training and experience; information obtained from the knowledge and observations of other sworn law enforcement officers, either directly or indirectly through their reports or affidavits; information provided by witnesses; and recorded jail communications.

5. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the requested warrant, your Affiant has not set forth all of the relevant facts known to law enforcement officers.

II. PROBABLE CAUSE

6. On October 9, 2021, Rogelio VARGAS was arrested in New Bern, North Carolina by Onslow County Sherriff's Office for selling approximately seven pounds of methamphetamine to an undercover officer. On October 20, 2021, while in custody at Craven County Jail, VARGAS made a recorded phone call to his wife and daughter. During the phone call, VARGAS spoke with his daughter who asked him if he had guns on him when he was arrested. VARGAS responded that he did not, because they are in his storage unit, and that there are many of them.

7. On October 21, 2021, agents conducted a phone interview with VARGAS's wife, Monica VARGAS, who stated that she believed her husband kept a gun in the safe in his mother's home. Monica further stated that she would not be surprised if there were contraband in VARGAS's storage unit. Monica said that VARGAS's mother, Felipa VARGAS, is aware of where VARGAS's storage unit is located, because Felipa had previously attempted to gain access to the storage unit but was denied by an employee of the storage facility. Monica said that Felipa also paid the most recent rent payment for the storage unit so that VARGAS would not have his belongings removed from the unit due to non-payment.

8. On October 21, 2021, agents met with Felipa VARGAS at her home located at 6040 East Inglewood Street, Mesa, Arizona (**Subject Premises 2**). Felipa invited agents into her home and stated that in her son's (VARGAS's) bedroom there was a locked drawer. Felipa said that she did not have the key that was necessary to gain access to the locked drawer and she did not know what was inside the locked drawer. Felipa said that her son Rogelio VARGAS's storage unit was located at Prime Storage, 5932 East Brown

Road, Unit 841, Mesa, Arizona (**Subject Premises 1**). Felipa had a piece of paper in her purse that contained the storage unit number of 841 on it.

9. VARGAS is not allowed to possess a firearm or ammunition as a result of multiple felony convictions including:

- a. Possession of a Dangerous Weapon, convicted on September 5, 2007, in California, and sentenced to 16 months in prison;
- b. Unlawful Flight from a Law Enforcement Vehicle, convicted on June 12, 2014, in Maricopa County Superior Court, Arizona, in CR 2014-103475-001; and
- c. Possession/Use of a Dangerous Drug, convicted on March 27, 2018, in Maricopa County Superior Court, Arizona, in CR 2018-104667-001.

III. ITEMS TO BE SEIZED

10. Based upon the facts contained in this Affidavit, your Affiant submits there is probable cause to believe that the items listed in Attachment B will be found at the **Subject Premises 1** and **Subject Premises 2**.

11. In addition to items which may constitute evidence, fruits and/or instrumentalities of the crimes set forth in this Affidavit, your Affiant also requests permission to seize any articles tending to establish the identity of persons who have dominion and control over the **Subject Premises 1** and **Subject Premises 2**, including rent receipts, utility bills, telephone bills, addressed mail, personal identification, keys, purchase receipts, sale receipts, photographs, vehicle pink slips, and vehicle registration. Based on my training, education, and experience, and discussions with other trained law enforcement personnel, along with information obtained through consensual interviews, your Affiant knows the following:

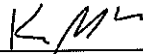
- a. Traffickers and persons involved in the manufacturing, distribution, and possession of controlled substances often possess firearms and other weapons, both legal and illegal, in order to protect their person, drugs, or the proceeds of drug

transactions. Traffickers commonly maintain such firearms and weapons where they have ready access to them, such as on their person, in their homes, in their vehicles, or as in this case, in a locked storage unit. In addition, other firearm-related items, such as gun pieces, ammunition, gun cleaning items or kits, holsters, ammunition belts, original box packaging, targets, expended pieces of lead, photographs of firearms, and paperwork showing the purchase, storage, disposition, or dominion and control over firearms, ammunition, and related items are commonly possessed by drug traffickers along with their firearms.

c. Traffickers often maintain paraphernalia for manufacturing and distributing controlled substances, including packaging materials, scales, and cutting agents. Traffickers commonly maintain such paraphernalia at stash houses, in their homes, in their vehicles, or as in this case, in a locked storage unit.

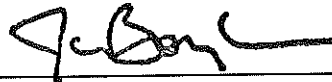
CONCLUSION

12. Your Affiant submits there is probable cause to believe that the items listed in Attachment B, which constitute evidence, fruits, and/or instrumentalities of violations of 18 U.S.C. § 922(g)(1) (Felon in Possession of Firearm/Ammunition) are likely to be found at the **Subject Premises 1** and **Subject Premises 2**, which is further described in Attachments A-1 and A-2.



KEVIN McCARTHY
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me telephonically this 22nd day of October, 2021.



HONORABLE JOHN Z. BOYLE
United States Magistrate Judge